

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Clarence Albert Saffold, Jr. v. Kevin Bauer et al.

Saffold v. Bauer · No. 25-cv-0759-bhl · Decided May 28, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin granted Defendants’ motion for summary judgment in Clarence Saffold, Jr.’s 42 U.S.C. § 1983 action. The court held that Saffold failed to exhaust available administrative remedies because he did not notify the institution that he believed he was being treated differently because of his race, and dismissed the action without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 28, 2026
DOCKET	25-cv-0759-bhl
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeding pro se brought a 42 U.S.C. § 1983 action alleging race discrimination. Defendants moved for summary judgment based on failure to exhaust available administrative remedies. Plaintiff did not respond by the extended deadline.
STANDARD OF REVIEW	Summary judgment is appropriate where the undisputed facts show that the movant is entitled to judgment as a matter of law; under the applicable rules, uncontroverted factual assertions may be accepted as true when the opposing party fails to respond.
PRECEDENTIAL VALUE	unpublished district court decision
PARTIES	Clarence Albert Saffold, Jr. v. Kevin Bauer et al.

TOPICS

- summary judgment
- prisoners rights
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment because Saffold failed to exhaust available administrative remedies before filing his § 1983 action.
2. Whether Saffold's pending motions for a protective order should be denied as moot after dismissal of the action.

HOLDINGS

1. Defendants were entitled to summary judgment because Saffold failed to notify the institution of the nature of the alleged race-discrimination wrong and therefore failed to exhaust the available administrative remedies.
2. Saffold's motions for a protective order were denied as moot.

KEY QUOTATIONS

“Accordingly, because Saffold did not provide the institution with notice of the nature of the wrong at issue in this case, Saffold failed to exhaust the available administrative remedies and Defendants are entitled to summary judgment.” (Disposition)

FACTUAL BACKGROUND

Saffold alleged that Defendants violated his constitutional rights by discriminating against him because of his race. The undisputed facts, deemed true after Saffold failed to respond, showed that he did not notify the institution that he believed he was being treated differently from other inmates because of his race.

PROCEDURAL HISTORY

The court previously allowed Saffold to proceed on a constitutional race-discrimination claim. Defendants moved for summary judgment on March 13, 2026. After the court extended Saffold's response deadline at his request, he failed to respond; the court deemed Defendants' proposed facts admitted under the applicable rules, granted summary judgment, dismissed the action without prejudice, and denied Saffold's motions for a protective order as moot.

DISPOSITION

dismissed

CASES CITED

- Dye v. Kingston, 130 F. App'x 52, 56 (7th Cir. 2005)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN CLARENCE ALBERT SAFFOLD, JR., Plaintiff, v. Case No. 25-cv-0759-bhl KEVIN BAUER et al., Defendants. DECISION AND ORDER Plaintiff Clarence Saffold, Jr., is representing himself in this 42 U.S.C. §1983 case. He is proceeding on a claim that Defendants violated his constitutional rights when they discriminated against him because of his race.

Dkt. No. 9. On March 13, 2026, Defendants moved for summary judgment on the ground that Saffold failed to exhaust his available administrative remedies before filing his lawsuit. Dkt. No. 28. The Court notified Saffold that his response materials were due by April 13, 2026 and warned him that if he did not respond by the deadline, the Court would accept all facts asserted by Defendants as true and would decide the motion without his input.

See Civil L. R. 56(b)(4). On April 9, 2026, at Saffold's request, the Court extended the response deadline to May 13, 2026. The extended deadline has now passed, and Saffold has not responded to the motion. The Court has reviewed Defendants' motion, brief in support, and the undisputed facts, see Fed. R. Civ. P. 56(e)(2), and concludes that Defendants are entitled to summary judgment.

See Fed. R. Civ. P. 56(e)(3). Based on the proposed findings of fact submitted by Defendants and deemed true as a result of Saffold's failure to respond, the Court finds that Saffold did not notify the institution that he believed he was being treated differently from other inmates because of his race. Dkt. No. 30 at ¶¶10-11; Dkt. No. 31-2 at 11-12.

Accordingly, because Saffold did not provide the institution with notice of the nature of the wrong at issue in this case, Saffold failed to exhaust the available administrative remedies and Defendants are entitled to summary judgment. See *Dye v. Kingston*, 130 F. App'x 52, 56 (7th Cir. 2005). IT IS THEREFORE ORDERED that Defendants' motion for summary judgment based on Saffold's failure to exhaust the administrative remedies (Dkt.

No. 28) is GRANTED and this action is DISMISSED without prejudice. IT IS FURTHER ORDERED that Saffold's motions for a protective order (Dkt. Nos. 26, 33) are DENIED as moot. The Clerk of Court is directed to enter judgment accordingly. Dated at Milwaukee, Wisconsin this 28th day of May, 2026. s/ Brett H. Ludwig BRETT H. LUDWIG United States District Judge